

**Notice of Allowability**

Application No.

10/697,058

Applicant(s)

WARD, PATRICK

Examiner

Jacob Y. Choi

Art Unit

2875

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/21/2006.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/1/2006
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/21/2006 has been entered.

## **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David G. Moore on August 1, 2006.

3. The application has been amended as follows:

- a. Cancel claims 19-20
- b. Amend claim 1 as: "A wall-wash light system for providing substantially uniform illumination of a wall, said wall-wash light system comprising: a light source including an internal reflector for emitting light; an arcuate kick reflector having an

Art Unit: 2875

arcuate opening, said arcuate kick reflector constructed and arranged mounted to reflect the light emitted from said light source and direct the light emitted from said light source toward the wall; a mounting for said light source, said mounting constructed and arranged mounted to position said light source near the plane of a ceiling or a floor adjoining the wall and to direct the light emitted from said light source at an acute angle to a plane perpendicular to the plane of the ceiling or of the floor, said mounting being further constructed and arranged mounted to direct said emitted light from said light source away from the wall and toward said kick reflector; whereby the combination of the said mounting for said light source and the reflection of said emitted light from said light source back to the wall by said arcuate kick reflector provides substantially uniform illumination of the wall."

c. Amend claim 3 as: "The wall-wash light system as defined in claim 1 wherein said kick reflector includes a reflective surface constructed and arranged mounted to diffuse the light emitted by said light source and reflect said emitted light through said arcuate opening."

d. Amend claim 7 as: "A wall-wash light fixture for positioning near a wall surface, said wall-wash light fixture comprising: a trim ring assembly; a housing connected to said trim ring assembly, said housing constructed and arranged mounted to provide a mounting for a light source including an internal reflector; a substantially arcuate kick reflector having an arcuate opening, said substantially arcuate kick reflector constructed and arranged mounted to reflect the light rays emitted from said light source toward the wall; a light source positioning ring connected to said trim ring assembly and

Art Unit: 2875

positioned within said housing; said light source positioning ring including a mounting surface positioned in a plane of a ceiling or a floor adjoining the wall which is at an acute angle with respect to the plane of said trim ring assembly to direct the light emitted from said light source away from the wall; said substantially arcuate kick reflector being positioned by said light source positioning ring to direct the light emitted from said light source back to the wall; whereby substantially uniform illumination of an area on a wall is provided."

e. Amend claim 17 as: "The method as defined in claim 11 further including the steps of positioning and mounting a trim ring assembly to a housing constructed and arranged mounted to provide a mounting for said light source."

f. Amend claim 18 as: "A system for providing substantially uniform illumination of a wall, said system comprising: a plurality of individual light fixtures, each of said individual light fixtures including: an individual light source including an internal reflector for emitting light; an adjustable mounting for positioning said individual light source at an acute angle with respect to a plane perpendicular to either a ceiling or a floor adjoining the wall; a substantially arcuate kick reflector having an arcuate opening, said substantially arcuate kick reflector constructed and arranged mounted for directing the light emitted from said individual light source toward the wall; said adjustable mounting constructed and arranged mounted to direct the light from said individual light source away from the wall and toward said substantially arcuate kick reflector for reflection back to the wall; a housing for positioning said adjustable mounting; a trim ring assembly connected to said housing; whereby the combination of the positioning of said

Art Unit: 2875

individual light source and said substantially arcuate kick reflector within the plurality of individual light fixtures provides a substantially uniform level of illumination on the wall.”

***Allowable Subject Matter***

4. The following is an examiner's statement of reasons for allowance:

Claim 1 recites “A wall-wash light system for providing substantially uniform illumination of a wall, said wall-wash light system comprising: a light source including an internal reflector for emitting light; an arcuate kick reflector having an arcuate opening, said arcuate kick reflector constructed and mounted to reflect the light emitted from said light source and direct the light emitted from said light source toward the wall; a mounting for said light source, said mounting constructed and mounted to position said light source near the plane of a ceiling or a floor adjoining the wall and to direct the light emitted from said light source at an acute angle to a plane perpendicular to the plane of the ceiling or of the floor, said mounting being further constructed and mounted to direct said emitted light from said light source away from the wall and toward said kick reflector; whereby the combination of the said mounting for said light source and the reflection of said emitted light from said light source back to the wall by said arcuate kick reflector provides substantially uniform illumination of the wall.”

Claim 7 recites “A wall-wash light fixture for positioning near a wall surface, said wall-wash light fixture comprising: a trim ring assembly; a housing connected to said trim ring assembly, said housing constructed and mounted to provide a mounting for a light source including an internal reflector; a substantially arcuate kick reflector having

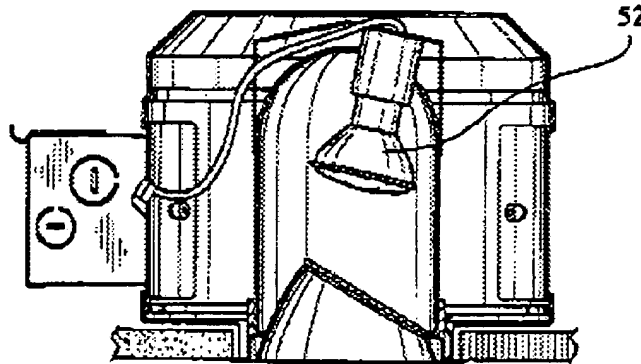
Art Unit: 2875

*an arcuate opening, said substantially arcuate kick reflector constructed and mounted to reflect the light rays emitted from said light source toward the wall; a light source positioning ring connected to said trim ring assembly and positioned within said housing; said light source positioning ring including a mounting surface positioned in a plane of a ceiling or a floor adjoining the wall which is at an acute angle with respect to the plane of said trim ring assembly to direct the light emitted from said light source away from the wall; said substantially arcuate kick reflector being positioned by said light source positioning ring to direct the light emitted from said light source back to the wall; whereby substantially uniform illumination of an area on a wall is provided."*

Claim 18 recites "A system for providing substantially uniform illumination of a wall, said system comprising: a plurality of individual light fixtures, each of said individual light fixtures including: an individual light source including an internal reflector for emitting light; an adjustable mounting for positioning said individual light source at an acute angle with respect to a plane perpendicular to either a ceiling or a floor adjoining the wall; a substantially arcuate kick reflector having an arcuate opening, said substantially arcuate kick reflector constructed and mounted for directing the light emitted from said individual light source toward the wall; said adjustable mounting constructed and mounted to direct the light from said individual light source away from the wall and toward said substantially arcuate kick reflector for reflection back to the wall; a housing for positioning said adjustable mounting; a trim ring assembly connected to said housing; whereby the combination of the positioning of said individual light

source and said substantially arcuate kick reflector within the plurality of individual light fixtures provides a substantially uniform level of illumination on the wall."

Rippel et al. (USPN 6,632,006) teaches a light source (e.g., 52) including an internal reflector (e.g., 52, 54) for emitting light, a mounting for the light source (e.g., 6), the mounting constructed and arranged to position the light source near the plane of a ceiling (e.g., 20) or a floor adjoining the wall and to direct the light emitted from the light source at an acute angle (e.g., claims 6 and 17) to a plane perpendicular to the plane of the ceiling (20) or the floor and away from the wall (e.g., Figure 6), an arcuate kick reflector (e.g., columns 4, lines 25-55) constructed and arranged to reflect the light emitted from the light source and direct the light emitted from the light source toward the wall (e.g., column 4, lines 25-40; "*the lamp 52 is positioned off the vertical axis of the finishing section 40 ... a kick reflector 45 to kick a portion of the light emitted outward from the fixture at high angles to illuminate a nearby wall close to the ceiling line*" & column 5, lines 15-25; "*the finishing section 40 and the aperture cone 60 may be rotated in collar 80 once they are installed in rough-in section 12 in order to aim or adjust the light output from the fixture 10 toward an nearby wall*"), whereby the combination of the mounting of the light source and the reflection of the arcuate kick reflector provides substantially uniform illumination of the wall (e.g., column 3, lines 1-10).



Because none of the prior art references disclosed the details of the a wall wash light system for providing substantially uniform illumination of a wall, where an arcuate kick reflector constructed and mounted to reflect the light emitted from the light source, the light source at an acute angle to a plane perpendicular near the plane of a ceiling away from the wall and towards the kick reflector. In other words, the combination of the mounting of the light source and the reflection of the emitted light from the light source back to the wall by the arcuate kick reflector provides substantially uniform illumination on the wall. There is no motivation found in prior art to combine the following details, the claims are deemed patentable over the prior art of record.

5. Claims **1-18** are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Amendment***

Art Unit: 2875

6. Examiner acknowledges that the applicant has amended claims **1, 7, 11, 16 & 18-19**.

### ***Response to Arguments***

7. Applicant's arguments, see pages 9-18 and 37 CFR 1.132, filed 3/31/2006, with respect to claims 1-20 have been fully considered and are persuasive in addition to Examiner's amendment to the claims. The claim rejections - 35 USC § 102 and 103 of 12/15/2005 has been withdrawn.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ng (USPN 6,779,908) – adjustable down light lighting fixture

Chan et al. (USPN 5,562,343) – multifunctional recessed lighting fixture

Chan et al. (USPN 5,457,617) – sloped recessed lighting fixture

Marantz (USPN 3,643,089) – lighting fixture for illuminating planar surfaces

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

  
**ALI ALAVI**  
**PRIMARY EXAMINER**